

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, et al,)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

MOTION FOR RELIEF FROM STAY

COME NOW the Movants, W.J. Smith aka Winland Smith and Irma Elizabeth Smith (hereinafter “Movants”), by and through their undersigned counsel of record, and move to terminate the automatic stay in order to proceed with their pre-petition claims filed in the United States Bankruptcy Court, Middle District of Alabama against GMAC Mortgage, LLC (“GMACM”). In support of their motion, movants state as follows:

1. On April 24, 2012, the Movants filed an adversary proceeding in the United States Bankruptcy Court, Middle District of Alabama (12-01023) against GMAC. A copy of the complaint is attached hereto as ***Exhibit A***.

2. The Movants brought claims against GMACM including, among other things, violation of the Bankruptcy Court’s Permanent Injunction pursuant to 11 U.S.C. § 524 and violations of the Fair Debt Collection Practices Act.

3. On May 17, 2012, GMACM filed its Notice of Bankruptcy and Effect of Automatic Stay in the Movants' pending adversary proceeding.

4. On August 9, 2012, GMACM filed its Amended Notice of Bankruptcy and Effect of Automatic Stay in the Movants' pending adversary proceeding.

5. On August 1, 2013, the U.S. Bankruptcy Court, Middle District of Alabama, issued a Notice of Status Conference Hearing setting the hearing for September 11, 2013.

6. The pendency of the Movants' adversary proceeding supports lifting the stay to the extent that Movants have properly asserted claims against GMACM.

7. The Movants would suffer harm if not permitted to proceed with their claims.

8. The amount in controversy in the action is insignificant and inconsequential to the debtor or the debtor's estate. The resolution of the Smith Adversary Proceeding is de minimis compared to the size of the debtor's estate and the resolution of the Smith matter will have no impact upon the debtor's reorganization.

WHEREFORE, the Movants, W.J. Smith aka Winland Smith and Irma Elizabeth Smith, respectfully request this Court lift the stay to permit all matters be

heard in Adversary Proceeding Number 12-01023, now pending in the United States Bankruptcy Court, Middle District of Alabama.

Done this 12th day of August, 2013.

Respectfully submitted,

/s/Nick Wooten

Nick Wooten - Bar No. WOO084

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel of record for all other parties to this action on this the 12th day of August, 2013.

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